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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 MERCY AMBAT, et al., No. C 07-03622 SI
9 Plaintiffs,
10 v.
11 CITY AND COUNTY OF SAN FRANCISCO,
12 Defendants.

**ORDER RE: DISCOVERY REQUEST
[Docket No. 161]**

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14 Plaintiffs have filed a discovery request seeking further production of documents and production
15 of an additional witness for deposition.

16 On plaintiffs' motion, the Court previously issued an order compelling production of Officer
17 Patrick Brady, whom plaintiffs sought to depose on the topic of his arrest of plaintiff Jon Gray, for
18 further deposition. Oct. 20, 2009 Order (Docket No. 147), at *3. The Court also ordered defendants
19 to produce "documents related to Gray's arrest, including the police report created by Officer Brady,
20 and . . . documents reflecting any communication between Officer Brady and the Sheriff's Department
21 regarding Gray." *Id.* After the Court issued its order, defendants produced a copy of the police report
22 and produced Officer Brady for a second deposition. Plaintiffs now object that defendants failed to
23 produce other documents related to plaintiff Gray's arrest, including photographs, CAD reports, and
24 other items either alluded to by Officer Brady during the deposition or mentioned in the police report.
25 Plaintiffs also seek to depose an Officer Martinez. Plaintiffs assert that during Officer Brady's second
26 deposition, he stated for the first time that he only transported Gray after his arrest, while Officer
27 Martinez actually arrested Gray.

28 Although the Court agrees with plaintiffs that the Court's October 20, 2009 Order compelled

1 production of all documents related to Gray's arrest, not just the police report, the Court denies
2 plaintiffs' request for an order directing defendants to produce additional documents. When the Court's
3 order was issued, the Court was under the impression that the arrest "form[ed] part of the basis for
4 plaintiff Gray's retaliation claim against the City." *Id.* at *2. Subsequently, however, plaintiffs filed
5 their Third Amended Complaint, which grounds the termination/retaliation claim solely on Gray's
6 participation in this lawsuit, and contains no allegations related to Gray's arrest. It being apparent that
7 documents and depositions concerning Gray's arrest are no longer relevant to plaintiffs' claims in this
8 case, plaintiffs' discovery request is DENIED in its entirety.

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10 **IT IS SO ORDERED.**

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12 Dated: November 19, 2009



SUSAN ILLSTON
United States District Judge

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